IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34778 of 2007(M)

PETITIONER:

GIREESH P., S/O. VELAYUDHAN,
AGED 37 YEARS, POOTHALASSERY HOUSE, THUYYAM,
EDAPPAL, MALAPPURAM.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

---

1. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, REP. BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C).34778/2007

Dated this the 26th day of November, 2007

JUDGMENT

Against Ext.P2 order rejecting the application for revision of petitioner's own timing, Ext.P3 revision was filed along with Ext.P4 application for condoning 32 days' delay and that was rejected by Ext.P5 stating that there has been no representation on behalf of the petitioner. It is also stated that there are no sufficient grounds for condonation of delay. Consequently revision itself has been dismissed by Ext.P6. Challenging Ext.P5 and P6, this writ petition has been filed.

2. Pleadings in this writ petition and the submissions made is that it was essentially a mistake on the part of the the counsel who appeared before STAT that led to this situation. Petitioner submits that it was on account of the bonafide mistake that the counsel did not appear on the posting date, when the case was dismissed by Exts.P5 and P6.

3. In several cases this Court has taken the view that for the default of the counsel, a litigant cannot be made to suffer.

4. Therefore, I set aside Exts.P5 and P6 and dispose of this writ petition directing that the STAT shall reconsider Ext.P4 application for condonation of delay in filing Ext.P3. It is further directed that depending upon Ext.P3, the revision filed by the petitioner shall also heard and orders passed.

ANTONY DOMINIC
Judge

mrcs